



**17 MAY 2016**

**ANNEXURE 1 Db: REPORT OF THE MINISTERIAL TASK TEAM APPOINTED BY MINISTER ANGIE MOTSHEKGA TO INVESTIGATE ALLEGATIONS INTO THE SELLING OF POSTS OF EDUCATORS BY MEMBERS OF TEACHER UNIONS AND DEPARTMENTAL OFFICIALS IN PROVINCIAL EDUCATION DEPARTMENTS**

**FURTHER WRITTEN SUBMISSIONS ON BEHALF OF SADTU**

1. These submissions are prepared and presented on behalf of the South African Democratic Teachers Union as requested by the Ministerial Task Team after the oral representation on 16 May 2016.
2. The submissions will focus on SADTU's stance and action taken to deal with the allegations of "post for cash" made against the union by persons through the media. Secondly we will share our view on the recommendations made by the task team as they relate to School Governing Bodies.
3. As alluded during the oral representation, SADTU as an organization condemns the selling of post and view that as corruption.
4. As previously indicated, as the SADTU we welcome the establishment of the task team by the Minister to investigate the alleged selling of posts to teachers and principals.

**Union position adopted on the allegations found in the media reports**

5. It should be stated in the outset that it is not or has never been the union position to condone or encourage this behavior of selling posts. To expand on this, it is important to give historical background in order to provide proper context on all the steps the Union has adopted in dealing with this matter:

5.1 Historically the Union had reported the allegations that were brought to the attention of the leadership around the Kaalfontein Primary School in 2006 to the **Gauteng Department of Education**.



5.2 In this case, the Principal was apprehended by the police, however the Gauteng Department of Education did not proceed with disciplinary action against the Principal. It is our submission that the only reasons for the delay or failure to take disciplinary action are obvious, where there is corruption involving senior departmental officials at the district level there will be reluctance and deliberate attempts not to proceed with disciplinary actions as it would expose senior departmental officials.

5.3 The principal was suspended in 2006, however continued to receive a salary until 2014 if not 2015. This matter should be investigated and reasons provided as to why a person can be suspended for more than eight (8) years without disciplinary action taken against her.

5.4 When City Press made the allegations that SADTU is selling posts the Union challenged the statement because the Union had no resolution to sell posts nor did the Union have access to control posts at any level of the system. In this case we refer to the Secretariat Report to the National Executive Committee of 12 May 2014, in which the Union is distancing itself from this practice. In the Secretariat Report the Union's position was clear in that:

"We must make it clear that there has never been a resolution taken at any level of the organisation sanctioning such an act. The Union has never received a cent from the proceeds of this "post for cash" scheme. It is however humanely impossible to micromanage what every one of the 257 000 members of the Union does in our name"....

"We are calling upon all those members and non-members who might have been exposed to such activities to come forward and report such to the relevant authorities; we have already referred to the matter to the ELRC and SACE to investigate". Extract from the secretarial report of May 2014 is attached as annexure "A"

5.5. The Union issued statements distancing itself from such practices. The Union did not end there, but wrote to the ELRC and SACE to conduct enquiries collectively or individually



to establish facts around the practice. On 30 April 2014 as part of the steps taken by the Union to encourage members to report such activities and to put the Union's position straight. A media statement was issued titled *"SADTU says the post for cash scheme is a deliberate attempt to mislead the public in the run up to the elections"*. In this press statement it should be noted that the Union called upon *"all members who have information about the posts for cash to approach the Department of Education so that we can once and for all vote out corruption in the education system"*. Media Statement of 30 April 2014 is attached as annexure "B".

5.6. On 30 April 2014, the Union wrote letters to both the Education Labour Relations Council ("ELRC") and the South African Council for Educators ("SACE") requesting both institutions to conduct an inquiry into the allegations with regard to the selling of posts in the education system. It is important to note that once again in those letters SADTU *"commits itself to a corruption-free education system and reaffirming its confidence in SACE as the custodian of the teaching profession and the ELRC which is responsible for the conditions of employment and for the promotion of labour peace"*. Copies of the letters to ELRC and SACE dated 30 April 2014 are attached as annexures "C" and "D" respectively.

5.7 Furthermore on 18 May 2014, SADTU issued a further media statement recording the resolutions of the NEC meeting of 15 -16 May 2014. One of the resolutions of the NEC meeting was in relation to the posts for cash scam in which the Union reiterated its stance towards the matter. The resolution of NEC meeting is attached as annexure "E".

5.8 Furthermore, when the Minister made an announcement the Union immediately issued a statement supporting the investigation which resulted in the process we are fully participating in today.

5.9 Thirdly, the Union embarked on a media awareness to call upon the teachers and everyone in the education sector to cooperate with the investigations whether at the departmental level or the two institutions mentioned above. In addition, the



Union met with the Minister to express its support on the process as outlined by her ministry.

5.10 As part of the media awareness calling upon all teachers and as well the public to report any act of corruption, the Union through its publication, The Educators' Voice published an article titled "*Don't sell posts in our name!*" The union publication, the educator's voice is attached as annexure "F".

5.11 Fourthly, as part of the report on the outcomes of all provincial conferences the awareness on corruption relating to the selling of posts was further published in the Union's newsletter, SADTU Update in which members were encouraged to cooperate with the Department of Basic Education, SACE and the ELRC in the investigation of the allegations. The copy of the newsletter is attached as annexure "G".

5.12 Furthermore the Union further called upon its members to submit information about the practice. This was communicated through speakers notes developed for every leaders to condemn the practice at every level where an opportunity to address members was availed. The Union accepted radio and TV interviews to state its position on the subject. The speakers note is attached as annexure "H".

5.13 In all the platforms of communication available to the Union, the political posture taken by City Press on the matter was challenged in order to clear its name directed by its constitution and political philosophy.

5.14 During all nine elective Provincial Conferences where every branch was in attendance, the union used these platforms to condemn the practice and also used the recent National Congress where all the branches and all leaders of the Union are represented were in attendance to condemn the practice. The Northwest Provincial Executive Committee issued a media statement on 29 April 2014, in which the



practice was condemned and appealed to anyone who has information to report the matter in order that action can be taken to cleanse the Union from such malice. The SADTU North West media statement is attached as annexure “I”.

5.15 On 4 June 2014, the SADTU Provincial Executive Committee of KZN issued a media statement in which the allegations on posts for sale published by City Press were dealt with. The media statement of SADTU KZN is attached as annexure “J”.

5.16 The Union also requested the North West Department of Education to share or make public the contents of its investigations on the allegations of selling of posts. We can report that we have not received any cooperation in this regard. We have since made an application in terms of access to information as we were made to believe that some of the persons alleged to be involved were Union leaders and we wanted to act against such leaders if indeed they were involved in this backward practice. We urge the Task Team to request the above mentioned investigation report and consider it in your investigations.

6. When SADTU received one direct allegation against a union member (leader) in Kwazulu Natal, the NEC immediately instructed the Provincial Executive Committee (“PEC”) to investigate the matter. The PEC further requested the KZN DOE to conduct an investigation.

7. The investigation could not yield any results as there was no cooperation by those who made the allegations. The KZN DOE also concluded its investigations on the same matter and once more there was no cooperation from those who made allegations as they failed to bring forward evidence and the matter was closed. This reluctance to cooperate with investigations was similarly experienced by the current task team where people are happy to make allegations but unwilling to cooperate with investigations.

8. Secondly, we read in the newspapers about similar allegations against the union leadership of the Soweto branch. We took a decision to investigate the allegations



and once again when we requested information no one came forward despite assurances that informants will be protected. The Union seeing that nothing was coming forth encouraged those members to then submit information to the institutions that were investigating.

9. As SADTU it is our view that those involved in this corrupt activity are not mandated by the Union. We acknowledge that some members are involved in this corrupt activity and are using the name of the union for personal interests.
10. As the union, we do not have any policy or resolution that encourages members to sell post for cash. We strongly believe that as the union we have done everything expected from an organization to discourage the corruption.
11. We submit that it would be grossly unfair to attribute blame on the union as an organization for the actions (which are outside the union mandate) of a particular member or official who happens to be a union member or leader as such behaviors do not benefit the organization in anyway.

## Conclusion

12. It is therefore our respectful submission that it will be grossly unfair to attribute the behaviour of individuals to the Union. We have demonstrated that as the Union we have not supported nor benefited from the alleged scam.
13. In the circumstances we submit that the task team should record in the report as conceded during the oral representations that SADTU as an organization was not involved in the selling of posts. Some members of SADTU uses or are using the name of the union to further their own interests.